

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCTOBER 1, 1999

IN RE:

**PETITION OF OMNICALL, INC. FOR
APPROVAL OF AN INTRALATA TOLL
DIALING PARITY PLAN**

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DOCKET NO. 99-00571

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on August 24, 1999, at a regularly scheduled Authority Conference, to consider the Petition of OmniCall, Inc. ("Omnicall") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

OmniCall is a telecommunications company operating pursuant to Authority Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, OmniCall is required to file a plan with the Authority that provides for intraLATA toll dialing parity throughout the exchanges that it serves in Tennessee.⁴ This plan must allow

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

OmniCall filed its intraLATA Toll Dialing Parity Implementation Plan on June 25, 1999, and filed an amendment on July 27, 1999. The amended Plan, containing OminCall's Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.'

The Directors considered OminCall's Plan at the August 24, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Toll Dialing Parity Plan of OminCall, Inc. as amended, with the requirement that OminCall comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of OminCall, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;

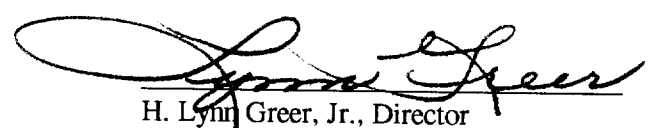
2. OminCall, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and


⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

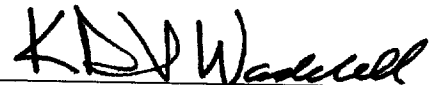


Melvin J. Malone, Chairman

H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

RECEIVED
ADMINISTRATIVE

JUL 27 1999

TN REGULATORY AUTHORITY

July 20, 1999

JR

9900571

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: OmniCall, Inc.'s IntraLATA Toll Dialing Parity Plan

Dear Mr. Waddell,

In accordance with FCC Order No. 96-98, NSD File No. 98-121, attached please find OmniCall, Inc.'s IntraLATA Toll Dialing Parity Plan which is being submitted to the Regulatory Authority for approval. OmniCall, Inc. is a reseller of BellSouth services.

An original and thirteen copies are being submitted to the Tennessee Regulatory Authority, as well as an additional copy for the return of the stamped "approved" plan. A return envelope has also been included for your convenience.

If you have any questions concerning this submission, please feel free to contact me or David Rodrigue, VP of Customer Care, at (864) 297-4336.

Sincerely,

Lee Haynsworth

Lee Haynsworth
Regulatory Manager

cc. David Rodrigue
Allen Burns

VOUCHER NO. 77-083447
C# 5418 SRC. 281.03
AMT. REC. 25.00
DEPOSIT DATE 7/28/99

OMNICALL, INC.'S INTRALATA TOLL DIALING PARITY PLAN

The items listed in OmniCall, Inc.'s IntraLATA Toll Dialing Parity Implementation plan are numbered consistent with the TRA outline provided by Carsie Mundy.

1. OmniCall, Inc. will implement this plan no later than 30 days following the TRA approval date.
2. OmniCall, Inc. intends to implement this plan in all exchanges served by BellSouth in the state of Tennessee.
3. OmniCall, Inc. will allow customers to select their IntraLATA toll provider through two methods, 1) Customer submits a request in writing, or 2) Customer makes a verbal request through our customer service department. Whichever medium is used OmniCall, Inc. will change IntraLATA PICs upon receipt of a customer request that meets regulatory guidelines.

As a CLEC reseller of BellSouth's services, OmniCall, Inc. will forward all customer initiated IntraLATA PIC change requests to BellSouth through, either, our manual or electronic computer interfaces.

4. If a customer with existing service on another carrier is switching to OmniCall, Inc. and does not choose an LPIC, then their LPIC will remain unchanged during the switching of service.

If a customer is signing up for new local service with OmniCall, Inc. and does not choose an LPIC, OmniCall, Inc. will set the LPIC as "no PIC" and inform the customer that they must dial 1010XXX to make IntraLATA calls until they choose an LPIC carrier.

5. OmniCall, Inc. will use the 2-PIC method.
6. OmniCall, Inc. will notify/educate their customers in Tennessee regarding the IntraLATA Toll Dialing Parity plan as follows:

OmniCall, Inc. will notify its existing end users through the following message printed on the **next customer invoice following state approval of IntraLATA Toll Dialing Parity plan.**

"In accordance with the Telecommunications Act of 1996, the Federal Communications Commission requires that all telecommunications service subscribers be notified of their privilege to choose the carrier of their IntraLATA toll calls without having to dial extra digits. This new capability is referred to as the IntraLATA Toll Dialing Parity plan and pertains to, both, 1+ and 0+ dialed IntraLATA calls as well as

OMNICALL, INC.'S INTRALATA TOLL DIALING PARITY PLAN

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calls to directory assistance where you dial 1 + your area code + 555-1212.

This plan allows a subscriber to pre-select the carrier of their IntraLATA calls just as they would for their interstate calls. To select your IntraLATA toll provider or for more information regarding the IntraLATA Toll Dialing Parity plan, contact your OmniCall, Inc. sales representative or call Customer Service at the number listed on the front page of this bill."

OmniCall, Inc.'s new customers will be notified during the sales process. OmniCall, Inc.'s LOA forms separate the IntraLATA carrier choice and the Interexchange carrier choice. New customers are asked to choose their carrier during the sales process and must sign the LOA with the carrier choices identified.

7. OmniCall, Inc. does not expect to incur any unreasonable costs associated with the implementation of the IntraLATA Toll Dialing Parity plan in Tennessee and therefore, does not intend to recover costs associated with the effort.
8. OmniCall, Inc. intends to implement this plan in all LATA's served by BellSouth in the state of Tennessee.
9. OmniCall, Inc. does not intend to charge customers for changing their LPIC to OmniCall, Inc.'s IntraLATA toll service. Customers requesting to have their LPIC changed to carriers other than OmniCall, Inc. will be charged a flat change fee of one dollar and forty nine cents (\$1.49) per LPIC change. Since OmniCall, Inc. is a reseller of BellSouth's local service, OmniCall, Inc. may, in the future, pass along to the consumer any charges BellSouth passes to OmniCall, Inc. to process those orders associated with LPIC changes.
10. OmniCall, Inc. will observe and implement all of the TRA (rule 1220-4-2-.56) and FCC anti-slamming rules and regulations to protect OmniCall, Inc. subscribers.
11. OmniCall, Inc. is a reseller of BellSouth's local services and does not directly support or manage access to telephone numbers, operator services, directory assistance, or directory listings.
12. OmniCall, Inc. will comply with all rules of the TRA and FCC.
13. N/A - OmniCall, Inc. does not plan to request a modification under section 251(f)(2) of the Act.